

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

July 23, 2009

Charles R. Fulbruge III
Clerk

No. 08-40737
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DAVID LLOYD RUTKOSKE,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:06-CV-4

Before KING, STEWART, and HAYNES, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent David Lloyd Rutkoske has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Rutkoske has filed a response. Our independent review of the record, counsel's brief, and Rutkoske's response discloses no nonfrivolous issue for appeal. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.